

Exhibit 10



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AUG 26 1987

CASE 3528

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

DAVID C. HECKERT

Serial No. 860,607

Filed May 7, 1986

FRUIT JUICE BEVERAGES AND

JUICE CONCENTRATES NUTRI-

TIONALLY SUPPLEMENTED WITH CALCIUM

:

: Group Art Unit 132

: Examiner C. Paden

GROUP 130
10/26/87
8-26-87
RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 132

Amendment After Final Rejection Pursuant to 37 CFR 1.116

The Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In response to the Office Action (made Final) mailed August 7, 1987, please amend the above application as follows. Applicant respectfully requests that these amendments be entered in order to put the above application in condition for allowance.

IN THE CLAIMS

Please cancel, without prejudice, Claims 19 to 29.

REMARKS

Applicant respectfully requests that the above application, as amended, be reconsidered. After amendment, Claims 1 to 18 are currently pending in the above application.

The Examiner has rejected Claim 19 to 29 under 35 USC 103 as unpatentable over Nakel et al. The Examiner has additionally rejected Claim 19 under 35 USC 112, second paragraph, as indefinite, and Claim 23 under 35 USC 112, first paragraph, for lack of enabling disclosure.

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In response to these rejections, Applicant has cancelled Claims 19 to 29, without prejudice. Applicant retains the right to pursue the subject matter of these Claims in a subsequent continuation application.

Since the Examiner has indicated that remaining Claims 1 to 18 are allowable over the prior art of record, Applicant respectfully requests that the Examiner issue a Notice of Allowance promptly for the above application.

Respectfully submitted,

DAVID C. HECKERT

By Eric W. Gutttag
Eric W. Gutttag
Attorney for Applicant
Reg. No. 28,853

Cincinnati, Ohio
(513) 659-2736
August 19, 1987

Mailing Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231, on August 19, 1987.

Eric W. Gutttag, August 19, 1987
Eric W. Gutttag Date
Attorney for Applicant

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
 RESPONSE/AMENDMENT

THE COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20531

Dear Sir:

Case Docket No. 3528

Transmitted herewith is a RESPONSE for the patent application:

Inventor(s): David C. Heckert

Serial No.: 860,607

Date Filed: May 7, 1986

Title: Fruit Juice Beverages and Juice Concentrate
 Nutritionally Supplemented with CalciumCORRES. AND MAIL
BOX AFRESPONSE UNDER 37 CFR 1.116
 EXPEDITED PROCEDURE
 EXAMINING GROUP 132

1. ☒ No additional fee is known to be required.
2. ☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	RATE	FEE
TOTAL		MINUS	**	=	x \$12 =	\$
INDEP		MINUS	***	=	x \$34 =	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$110 =	\$
					TOTAL	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the highest number of total claims previously paid for is less than 20, write "20" in this space.

*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. ☐ The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated _____ in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ _____ for a _____ month extension of time.
4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.
- a. ☒ Any patent application processing fees under 37 CFR §1.16.
- b. ☒ Any patent application processing fees under 37 CFR §1.17.
5. The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

Eric W. Gutttag

Eric W. Gutttag
 Attorney for Applicant(s)
 Registration No. 28,853
 Tel. No. 513-659-2736

Date: August 19, 1987
 Cincinnati, Ohio